

CCS SCS HB 103 -- TRANSPORTATION

This bill changes the laws regarding transportation.

COLLEGIATE REGULATION OF VEHICULAR TRAFFIC (Sections 174.700 - 174.712 and 544.157, RSMo)

The bill allows the governing body of any state college or university to establish regulations to control vehicular traffic on campus. The regulations must be consistent with state law and must be printed and distributed for public use. College or university police officers have the authority to enforce the general motor vehicle laws of Missouri and the regulations adopted by the governing board on the campus. There must be adequate signs displaying the speed limit on thoroughfares. A violation will have the same effect as a municipal ordinance with penalty provisions and points assessed. State college or university police officers must be certified under Chapter 590 and will have the same powers as other law enforcement officers.

LICENSE PLATE TABS (Section 301.301)

Currently, any person replacing a stolen license plate tab may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied by a police report corresponding to the stolen tab or tabs. The bill repeals the provision and allows the application to be accompanied by a notarized statement verifying that the tab or tabs were stolen.

COLLEGIATE SPECIALTY LICENSE PLATES (Section 301.449)

Currently, only a community college or a four-year public or private institution of higher education or a foundation or organization representing the college or institution located in Missouri may authorize or may, by the Director of the Department of Revenue, be authorized to use the school's official emblem to be affixed on a multiyear personal license plate. The bill allows any institution located outside of the state that had a license plate issued by the department containing its official emblem prior to August 28, 2012, to continue authorizing the use of its official emblem on the plates.

ENDANGERMENT OF EMERGENCY WORKERS (Sections 302.302, 304.890, 304.892, and 304.894)

The bill increases the penalty for a moving violation or traffic offense occurring within an active emergency zone. An "active emergency zone" is an area that is visibly marked by emergency

responders on or around a highway where an active emergency or incident removal is temporarily occurring.

A person convicted of a first moving violation or traffic offense within an active emergency zone must be assessed a fine of \$35 in addition to any other fine authorized by law. A second or subsequent offense within an active emergency zone must be assessed a fine of \$75 in addition to any other fine.

The bill makes it a class C misdemeanor to pass another vehicle in an active emergency zone, and a person who pleads guilty to or is convicted of a speeding or passing violation must be assessed a fine of \$250 for a first offense and \$300 for any subsequent offense in addition to any other fine authorized by law.

A person commits the offense of endangerment of an emergency responder if, while in an active emergency zone with emergency responders present, he or she:

- (1) Exceeds the posted speed limit by 15 m.p.h. or more;
- (2) Passes another vehicle;
- (3) Fails to stop for a flagman, an emergency responder, or a traffic control signal in the active emergency zone;
- (4) Drives through or around an active emergency zone via any lane that is not for motorists;
- (5) Physically assaults, threatens, or attempts to assault an emergency responder with a motor vehicle or other instrument; or
- (6) Intentionally strikes or moves a barrel, barrier, sign, or other device for a reason other than to avoid an obstacle or emergency or to protect the health and safety of another person.

When injury or death does not result from the offense, a person who pleads guilty to or is convicted of endangering an emergency responder is subject to a fine of up to \$1,000 and assessed four points to his or her license. If death or injury results, the person commits the offense of aggravated endangerment of an emergency responder and is subject to a fine of up to \$5,000 if a responder is injured and \$10,000 if death resulted and 12 points will be assessed to his or her license.

A person cannot be cited for or found guilty of endangerment or aggravated endangerment of an emergency responder if the act or omission is the result of a vehicle's mechanical failure or the negligence of another person.

REVENUE FROM TRAFFIC VIOLATIONS (Section 302.341)

Currently, if a city, town, or village receives more than 35% of its annual general operating revenue from traffic fines and court costs for traffic violations occurring on state highways within its jurisdiction, all revenues in excess of the 35% threshold must be sent to the Department of Revenue to be distributed annually to the schools of the county in the same manner as other penalty proceeds are distributed.

The bill expands this requirement to include a county, removes the requirement that the violation occur on a state highway, and reduces the threshold to more than 30%. The political subdivision must include an accounting of the percent of annual general operating revenue from fines and court costs for traffic violations, including charges amended from traffic violations, within the comprehensive annual financial report that it submits to the State Auditor. Any city, town, village, or county that fails to make an accurate or timely report or fails to send in excess revenues from traffic violations to the Director of the Department of Revenue must immediately lose jurisdiction on all traffic-related charges until it meets these requirements.

COMMERCIAL DRIVER'S LICENSES (Sections 302.700 - 302.755 and 304.820)

The bill changes the laws regarding commercial motor vehicles to conform with Federal Motor Carrier Safety Administration regulations. In its main provisions, the bill:

- (1) Revises the definition of "disqualification" to include the suspension, revocation, or cancellation of a commercial driver's instruction permit;
- (2) Defines "electronic device" as a device that includes but is not limited to a cell phone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text;
- (3) Defines "mobile telephone" as a mobile communication device that is classified as or uses a commercial mobile radio service but does not include a two-way or citizens band radio service;
- (4) Revises the definition of "serious traffic violation" to include a violation of state or local law on motor vehicle traffic control prohibiting texting or the use of a mobile telephone while driving a commercial motor vehicle;

(5) Defines "texting" as manually entering text into or reading text from an electronic device, including short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a call on a mobile telephone, or engaging in another form of electronic text retrieval or entry;

(6) Requires an applicant for a commercial driver's license to maintain the appropriate class of commercial driver's instruction permit issued by this state or another state for a minimum of 14 days prior to the date of completing skills testing;

(7) Changes the laws regarding the amount of time a military member must be regularly employed to receive a waiver from the commercial motor vehicle driving skills test. Currently, the member must be regularly employed in a job requiring the operation of a commercial motor vehicle and must have operated the vehicle for at least 60 days during the two years immediately preceding his or her application for a commercial driver's license. The bill requires the military member to be regularly employed in a military position within the last 90 days for the member to obtain the skills test waiver;

(8) Changes nonresident commercial driver's licenses to nondomiciled commercial driver's licenses and changes the provisions for obtaining a nondomiciled commercial driver's license;

(9) Requires a commercial driver's instruction permit to include the same information as a commercial driver's license and contain the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT";

(10) Requires a disqualification period to be in addition to any other previous periods of disqualification in a manner consistent with federal law unless the major or serious violations are a result of the same incident; and

(11) Prohibits a person from texting or using a hand-held mobile telephone while operating a moving commercial motor vehicle. Currently, only a person younger than 21 years of age is prohibited from texting while driving. A person convicted of texting or using a hand-held mobile telephone while driving a commercial motor vehicle may have his or her commercial driver's license disqualified.

USE OF CERTAIN VEHICLES IN MUNICIPALITIES (Sections 304.013 and 304.032)

A municipality may adopt an ordinance or resolution that allows

all-terrain vehicles or utility vehicles to operate on the streets and highways under its jurisdiction. The person operating an all-terrain or utility vehicle must maintain proof of financial responsibility or any other insurance policy providing liability coverage for the vehicle.

PERMISSIVE YELLOW-LIGHT INTERVALS (Section 304.120)

An ordinance cannot prohibit the operator of a motor vehicle from being in an intersection while a red signal is being displayed if the operator of the motor vehicle entered the intersection during a yellow signal interval. This provision supersedes any local law, ordinance, order, rule, or regulation enacted by a county, municipality, or other political subdivision that is to the contrary.

IDLE REDUCTION TECHNOLOGY (Section 304.180)

Currently, a vehicle equipped with idle reduction technology is allowed to exceed the maximum gross vehicle weight limit and the axle weight limit by up to 400 pounds to compensate for the additional weight of the idle reduction technology. Under federal law, the total allowable weight exemption for idle reduction technology was recently increased to 550 pounds. The bill increases the weight limit for idle reduction technology to 550 pounds to reflect the new maximum federal limit.

TRANSPORTATION OF AGRICULTURAL COMMODITIES (Section 307.400)

The bill repeals the provision which specifies that the federal regulations regarding hours of service do not apply to Missouri drivers transporting agricultural commodities or farm supplies if certain conditions are met.

Currently, certain federal regulations regarding the equipment and operation of motor vehicles do not apply to a commercial motor vehicle that transports property in intrastate commerce if the vehicle has a gross vehicle weight rating or gross combination weight rating of 26,000 pounds or less. The bill specifies that the exception must not apply to a covered farm vehicle that requires a placard for hazardous materials under federal law.

CATALYTIC CONVERTERS (Section 407.300)

Currently, scrap dealers must keep documentation for any transaction involving certain metals. The bill adds catalytic converters to the types of metal requiring documentation. Records for transactions involving catalytic converters must be kept regardless of the dollar value of the scrap.

LAND CONVEYANCES (Sections 1-7)

The bill authorizes the Governor to convey tracts of land in Taney, St. Clair, Osage, Madison, Greene, Andrew, and Ozark counties to the State Highways and Transportation Commission.

The provisions of the bill regarding collegiate specialty license plates contain an emergency clause.